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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**TRINITY PHARRIS,**

**Plaintiff,**

**v.**

**STATE OF NEVADA DEPART-  
MENT OF CORRECTIONS,**

**Defendant.**

**No. 2:15-cv-1441-RFB-GWF**

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME  
TO RESPOND TO DEFENDANT'S MOTION TO DISMISS**

**(First Request)**

Pursuant to Federal Rule of Civil Procedure ("FRCP") 6(b)(1)(B), Plaintiff respectfully requests that the Court extend, to and until September 19, 2016, the time within which Plaintiff must respond to Defendant's pending motion to dismiss.<sup>1</sup> Plaintiff's response was due on August 15, 2016. This is Plaintiff's first request for an extension of time for the purpose set forth herein.

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<sup>1</sup> Pacer #19.

1 In support of this motion, Plaintiff relies upon the memorandum of points and authorities  
2 set forth below.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 Federal Rule of Civil Procedure 6(b)(1)(B) permits a party to extend a deadline after its  
5 expiration upon a showing of “excusable neglect.” The standard to be applied by a court under  
6 FRCP 6(b)(1) is a liberal one in order to “effectuate the general purpose of seeing that cases are  
7 tried on the merits.” Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9<sup>th</sup> Cir. 2010).  
8 “Good cause is a non-rigorous standard that has been construed broadly across procedural and  
9 statutory contexts.” Id at 1259.

10 Here, undersigned counsel’s office failed to properly calendar the deadline for responding  
11 to the pending motion to dismiss. While this should never have occurred, the fact that it did was  
12 the result of excusable neglect.<sup>2</sup> During the past two months, undersigned counsel has been  
13 implementing a deadline management system that will hopefully avoid similar problems. In the  
14 past, a clerical staff member was responsible for calendaring deadlines and, in this instance,  
15 failed to properly calendar the response deadline in this matter. Notwithstanding the foregoing,  
16 undersigned counsel bears ultimate responsibility for adhering to all court deadlines and therefore  
17 sincerely apologizes to the Court for any inconvenience occasioned by this request for extension  
18 of time.<sup>3</sup>

19 Undersigned counsel has commenced drafting an appropriate response to Defendant’s  
20 motion to dismiss and expects to have it filed no later than September 19, 2016. Accordingly,  
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22 <sup>2</sup> Upon discovering the mistake, undersigned counsel initiated the drafting and filing of  
23 this motion.

24 <sup>3</sup> Unfortunately, mistakes due to human error sometimes occur – as evidenced by the fact  
25 that Defendant itself failed to timely respond to Plaintiff’s Complaint in this case and failed to  
26 file supporting exhibits with the motion to dismiss which were later filed by “supplement.”

undersigned counsel respectfully requests that the Court grant this extension of time.

**CONCLUSION**

Based upon the foregoing, undersigned counsel respectfully requests to and until September 19, 2016 (Monday) to file response to the pending dispositive motion.

Respectfully submitted,

*/s/ Ruth L. Cohen*

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Ruth L. Cohen, Esq.  
Paul S. Padda, Esq.

Attorneys for Plaintiff

Dated: September 15, 2016

**IT IS SO ORDERED:**

**Plaintiff's motion for an extension of time to respond to Defendant's dispositive motion (Pacer #19) is hereby granted. Plaintiff's response shall be due on or before September 19, 2016.**



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RICHARD F. BOULWARE, II  
United States District Judge

**DATED:** September 25, 2016.

**CERTIFICATE OF SERVICE**

In compliance with the Court's Local Rules, the undersigned hereby certifies that on September 15, 2016, a copy of the foregoing document, "PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT'S MOTION TO DISMISS" was served (via the Court's CM/ECF system) upon all counsel of record.

*/s/ Paul S. Padda*

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Paul S. Padda, Esq.